



# STATE OF WISCONSIN

# Assembly Journal

## January 2011 Special Session

4:46 P.M.

TUESDAY, January 25, 2011

The Assembly met in the Assembly Chamber located in the State Capitol.

Speaker Pro Tempore Kramer in the chair.

Representative Suder asked unanimous consent that the prayer and the pledge of allegiance from regular session be applied to the January 2011 Special Session. Granted.

The roll was taken.

The result follows:

Present – Representatives August, Ballweg, Barca, Berceau, Bernard Schaber, Bernier, Bewley, Bies, Brooks, E. Cogg, D. Cullen, Danou, Endsley, Farrow, Fields, Grigsby, Hebl, Hintz, Honadel, Hulsey, Jacque, Jorgensen, Kapenga, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Mason, Meyer, Milroy, Molepske Jr, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Petryk, Pocan, Pope–Roberts, Pridemore, Radcliffe, Richards, Ringhand, Ripp, Rivard, Roys, Seidel, Severson, Shilling, Sinicki, Spanbauer, Staskunas, Steinbrink, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Toles, Tranel, Turner, Van Roy, Vos, Vruwink, Weininger, Williams, Wynn, Young, Zamarripa, Zepnick, Ziegelbauer and Speaker Fitzgerald – 95.

Absent with leave – Representative Clark – 1.

Vacancies – 60th, 83rd and 94th Assembly District – 3.

### LEAVES OF ABSENCE

Representative Roys asked unanimous consent for a leave of absence for today's session for Representative Clark. Granted.

### MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Concurred in:

**Assembly Bill 3, January 2011 Special Session**  
**Assembly Bill 4, January 2011 Special Session**

### COMMUNICATIONS

January 25, 2011

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53703

Dear Chief Clerk Fuller:

I am submitting the list of how I would have voted on the special session bills and their amendments for entry into the official Journal of Proceedings. Had I been present on January 20, 2011, I would have cast the following votes:

Senate Bill 1, January 2011 Special Session

Concurrence – NAY

AA1 Table Amendment – NAY  
AA2 Table Amendment – NAY  
AA3 Table Amendment – NAY  
AA6 Table Amendment – NAY  
AA7 Table Amendment – NAY  
AA8 Table Amendment – NAY  
AA9 Table Amendment – NAY  
AA10 Table Amendment – NAY  
AA11 Table Amendment – NAY  
AA4 Table Amendment – NAY  
AA5 Returned to author without a vote  
AA12 Table Amendment – NAY  
AA13 Table Amendment – NAY  
AA14 Table Amendment – NAY  
AA15 Table Amendment – NAY  
AA16 Table Amendment – NAY  
AA17 Table Amendment – NAY  
AA18 Table Amendment – NAY  
AA19 Table Amendment – NAY  
AA20 Table Amendment – NAY  
ASA1 Returned to author without a vote

Assembly Bill 3, January 2011 Special Session

Engrossment – NAY

Passage – NAY

ASA2 Adoption – NAY

- AA1 Table Amendment – NAY
- AA2 Table Amendment – NAY
- AA3 Table Amendment – NAY

Assembly Bill 4, January 2011 Special Session

Passage – PAIRED AYE

- ASA1 Table Amendment – NAY
- AA6 Adopted on voice vote
- AA7 Table Amendment – NAY
- AA8 Table Amendment – NAY
- AA9 Table Amendment – NAY
- AA10 Table Amendment – NAY
- AA11 Table Amendment – NAY
- AA12 Table Amendment – NAY
- AA13 Table Amendment – NAY

Senate Bill 2, January 2011 Special Session

Concurrence – PAIRED NAY

- AA1 Table Amendment – NAY
- AA2 Table Amendment – NAY

Please let me know if you have any questions or need additional information.

Sincerely,  
*FREDERICK P. KESSLER*  
State Representative  
12th Assembly District

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## CALENDAR OF TUESDAY, JANUARY 25

### January 2011 Special Session

#### Assembly Bill 5, January 2011 Special Session

Relating to: requiring a supermajority for passage of tax increase legislation.

Representative Suder asked unanimous consent that **Assembly Bill 5, January 2011 Special Session** be placed at the foot of today's calendar. Granted.

#### Assembly Bill 7, January 2011 Special Session

Relating to: an income and franchise tax credit for small businesses.

Assembly substitute amendment 5 to **Assembly Bill 7, January 2011 Special Session** offered by Representatives Young, E. Coggs and Kessler.

Representative Suder moved that Assembly substitute amendment 5 to **Assembly Bill 7, January 2011 Special Session** be laid on the table.

The question was: Shall Assembly substitute amendment 5 to **Assembly Bill 7, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Brooks, Endsley, Farrow, J. Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans,

Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 59.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Mason, Milroy, Molepske Jr, Parisi, Pasch, Poca, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 36.

Absent or not voting – Representative Clark – 1.

Motion carried.

Assembly substitute amendment 4 to **Assembly Bill 7, January 2011 Special Session** offered by Representative Hintz.

Representative Hintz asked unanimous consent that Assembly substitute amendment 4 to **Assembly Bill 7, January 2011 Special Session** be withdrawn and returned to the author. Granted.

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## LEAVES OF ABSENCE

Representative Ballweg asked unanimous consent for a leave of absence for part of today's session for Representative Brooks. Granted.

Assembly substitute amendment 3 to **Assembly Bill 7, January 2011 Special Session** offered by Representatives Seidel and Barca.

Representative Suder moved that Assembly substitute amendment 3 to **Assembly Bill 7, January 2011 Special Session** be laid on the table.

The question was: Shall Assembly substitute amendment 3 to **Assembly Bill 7, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 58.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl,

Hintz, Hulsey, Jorgensen, Kessler, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 36.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 7, January 2011 Special Session** offered by Representative Vruwink.

Representative Suder moved that Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 7, January 2011 Special Session** be laid on the table.

The question was: Shall Assembly amendment 5 to Assembly substitute amendment 1 to **Assembly Bill 7, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenberg, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 58.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 36.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

Assembly amendment 6 to Assembly substitute amendment 1 to **Assembly Bill 7, January 2011 Special Session** offered by Representative Radcliffe.

Representative Suder moved that Assembly amendment 6 to Assembly substitute amendment 1 to **Assembly Bill 7, January 2011 Special Session** be laid on the table.

The question was: Shall Assembly amendment 6 to Assembly substitute amendment 1 to **Assembly Bill 7, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Grigsby, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Krusick, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenberg, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Sinicki, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn and Speaker Fitzgerald – 61.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Mason, Milroy, Molepske Jr, Pohan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa, Zepnick and Ziegelbauer – 33.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

The question was: Shall Assembly substitute amendment 1 to **Assembly Bill 7, January 2011 Special Session** be adopted?

Motion carried.

The question was: Shall **Assembly Bill 7, January 2011 Special Session** be ordered engrossed and read a third time?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Bill 7, January 2011 Special Session** be given a third reading. Granted.

The question was: **Assembly Bill 7, January 2011 Special Session** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Jorgensen, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudenberg, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Radcliffe, Ripp, Rivard, Severson, Spanbauer, Staskunas, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 60.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Richards, Ringhand, Seidel, Shilling, Sinicki, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 33.

Paired for – Representative Clark – 1.

Paired against – Representative Roys – 1.

Absent or not voting – Representative Brooks – 1.

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Bill 7, January 2011 Special Session** be immediately messaged to the Senate. Granted.

### **Assembly Bill 5, January 2011 Special Session**

Relating to: requiring a supermajority for passage of tax increase legislation.

Assembly amendment 1 to **Assembly Bill 5, January 2011 Special Session** offered by Representatives Steinbrink, Staskunas, Jorgensen and Hulsey.

Representative Suder moved that Assembly amendment 1 to **Assembly Bill 5** be laid on the table.

The question was: Shall Assembly amendment 1 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudonbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 57.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 37.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

Assembly amendment 2 to **Assembly Bill 5, January 2011 Special Session** offered by Representatives Grigsby, Toles, Molepske Jr, Pasch, Mason, Bernard Schaber, Pope–Roberts, Fields and Sinicki.

Representative Suder moved that Assembly amendment 2 to **Assembly Bill 5, January 2011 Special Session** be laid on the table.

The question was: Shall Assembly amendment 2 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudonbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn, Ziegelbauer and Speaker Fitzgerald – 57.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 37.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

Assembly amendment 3 to **Assembly Bill 5, January 2011 Special Session** offered by Representatives Barca and Seidel.

Representative Suder moved that Assembly amendment 3 to **Assembly Bill 5, January 2011 Special Session** be laid on the table.

The question was: Shall Assembly amendment 3 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudonbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn and Speaker Fitzgerald – 56.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa, Zepnick and Ziegelbauer – 38.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

Assembly amendment 4 to **Assembly Bill 5, January 2011 Special Session** offered by Representatives Turner and Barca.

Representative Suder moved that Assembly amendment 4 to **Assembly Bill 5, January 2011 Special Session** be laid on the table.

The question was: Shall Assembly amendment 4 to **Assembly Bill 5, January 2011 Special Session** be laid on the table?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudonbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn and Speaker Fitzgerald – 56.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Radcliffe, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa, Zepnick and Ziegelbauer – 38.

Absent or not voting – Representatives Brooks and Clark – 2.

Motion carried.

The question was: Shall **Assembly Bill 5, January 2011 Special Session** be ordered engrossed and read a third time?

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Bill 5, January 2011 Special Session** be given a third reading. Granted.

The question was: **Assembly Bill 5, January 2011 Special Session** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives August, Ballweg, Bernier, Bies, Endsley, Farrow, Honadel, Jacque, Kapenga, Kaufert, Kerkman, Kestell, Kleefisch, Klenke, Knilans, Knodl, Knudson, Kooyenga, Kramer, Krug, Kuglitsch, T. Larson, LeMahieu, Litjens, Loudonbeck, Marklein, Meyer, Mursau, Murtha, Nass, Nerison, Nygren, A. Ott, J. Ott, Petersen, Petrowski, Petryk, Pridemore, Radcliffe, Ripp, Rivard, Severson, Spanbauer, Steineke, Stone, Strachota, Suder, Tauchen, Thiesfeldt, Tiffany, Tranel, Van Roy, Vos, Weininger, Williams, Wynn and Speaker Fitzgerald – 57.

Noes – Representatives Barca, Berceau, Bernard Schaber, Bewley, E. Coggs, D. Cullen, Danou, Fields, Grigsby, Hebl, Hintz, Hulsey, Jorgensen, Kessler, Krusick, Mason, Milroy, Molepske Jr, Parisi, Pasch, Pohan, Pope–Roberts, Richards, Ringhand, Roys, Seidel, Shilling, Sinicki, Staskunas, Steinbrink, Toles, Turner, Vruwink, Young, Zamarripa and Zepnick – 36.

Paired for – Representative Ziegelbauer – 1.

Paired against – Representative Clark – 1.

Absent or not voting – Representative Brooks – 1.

Motion carried.

Representative Suder asked unanimous consent that the rules be suspended and that **Assembly Bill 5, January 2011 Special Session** be immediately messaged to the Senate. Granted.

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## ADJOURNMENT

Representative Suder moved that the Assembly stand adjourned until 10:01 A.M. on Thursday, January 27.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

6:11 P.M.